IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

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) Case No. 7:08CV00068
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) OPINION
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) By: James P. Jones
) Chief United States District Judge
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Deron Fitzgerald Jones, Petitioner Pro Se.

Deron Fitzgerald Jones, a federal inmate, brings this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C.A. § 2241 (West 2006). Jones seeks to obtain free copies of transcripts and documents from the criminal proceedings against him in this court¹ in Case No. 1:05CR00076.² He states that he needs the records to prepare

Jones also asserts that he is entitled to copies of transcripts and documents from his criminal proceedings under the Freedom of Information Act ("FOIA"). FOIA does not apply to the judicial branch of the federal government. See 5 U.S.C.A. §551(1)(B) (West 2007). The court's records are public, however, and Jones may purchase copies of the documents that he seeks.

² Court records indicate that Jones was sentenced in May 2007 and that his appeal is pending before the United States Court of Appeals for the Fourth Circuit. Once appellate proceedings are complete, if he believes that his confinement is wrongful, he may pursue a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255 (West 2007) in this court. He is entitled to free copies of transcripts and documents in conjunction with a § 2255 action only if the court finds that his § 2255 claims are not frivolous and the documents are needed to decide the issues presented. *See* 28 U.S.C.A. § 753(f) (West 2006); *United States v. Shoaf*, 341 F.2d 832, 833-34 (4th Cir. 1964) (indigent defendant must show

an unidentified type of "Motion." As Jones is not confined within the jurisdiction of

this court, I must dismiss his petition without prejudice.

Section 2241 authorizes district courts to grant habeas relief to petitioners who

demonstrate that they are confined in violation of the Constitution or laws of the

United States. A petition under § 2241 must be brought in the district court in the

jurisdiction where the petitioner is confined, however, rather than in the district court

where he was sentenced. Rumsfeld v. Padilla, 542 U.S. 426, 447 (2004) ("Whenever

a § 2241 habeas petitioner seeks to challenge his present physical custody within the

United States, he should name his warden as respondent and file the petition in the

district of confinement."); United States v. Little, 392 F.3d 671, 680 (4th Cir.2004)

(same). Jones is currently incarcerated at a federal prison facility in Inez, Kentucky,

which is not within the jurisdiction of this court. Therefore, I do not have jurisdiction

to address his petition. Therefore, I will dismiss it without prejudice.³

A separate Final Order will be entered herewith.

ENTER: February 22, 2008

/s/ JAMES P. JONES

Chief United States District Judge

some need for transcript beyond his mere desire to comb the record in hope of discovering errors to raise in habeas).

³ Jones also fails to state any claim cognizable under § 2241, as he fails to allege any

facts indicating that he is unlawfully confined.

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